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Pesticides & Toxic Substances Law News for April 5, 2018

**Bloomberg
Environment**

Environment & Energy

Highlights

LEADING THE NEWS

[EPA Chief in Fox Grilling Denies Knowing Who Raised Aides' Pay](#)

By Ari Natter

Environmental Protection Agency Administrator Scott Pruitt said in a heated interview with Fox News that he doesn't know who at the agency raised the pay of two aides in defiance of the White House—the latest controversy to engulf him.

[White House 'Reviewing' Pruitt's Rent Arrangement](#)

By Jennifer Jacobs and Justin Sink

The White House is reviewing EPA Administrator Scott Pruitt's arrangement to rent a condo from the wife of a prominent energy lobbyist, Press Secretary Sarah Huckabee Sanders said.

[EPA May Disregard Chemical Exposures From Risk Reviews \(1\)](#)

By Pat Rizzuto and Dean Scott

The EPA could ignore ways people are exposed to chemicals under a pending policy that would shape agency safety reviews.

[EPA Weighs Chemical Policy That May Backfire on Industry: Critics](#)

By Pat Rizzuto and Dean Scott

A proposed chemical policy to allow the EPA to narrow its chemical safety reviews could backfire and hurt chemical makers that the Trump administration intends to help, a former agency official told Bloomberg Environment.

[Kids' Flame Retardant Exposure Drops Following Phaseout](#)

By Pat Rizzuto

Children's blood levels of a once widely used furniture flame retardant have dropped since that chemical was phased out of production in 2004, researchers found.

TODAY'S NEWS

[Environmental Rules Issued Under Trump Draw Virginia Review](#)

By Sylvia Carignan

Virginia will scrutinize Trump administration changes to environmental regulations by order of its Democratic governor.

[Plastics Makers Plunge as China Tariffs Hit Chemical Industry](#)

By Jack Kaskey

U.S. plastics makers including LyondellBasell Industries NV and Westlake Chemical Co. tumbled after China slapped tariffs on a wide swath of resins used in products such as food packaging and pipe.

[Jury Set to Weigh Banker's Claims Baby Powder Caused Cancer](#)

By Jef Feeley

Jurors are set to weigh an investment banker's claims that using Johnson & Johnson's baby powder for more than 30 years caused him to develop a deadly cancer linked to asbestos.

[Foster Wheeler Can't Sink Ship Worker's Asbestos Claim](#)

By Peter Hayes

Foster Wheeler LLC failed to shake asbestos exposure claims by the estate of a shipyard worker who allegedly worked in close proximity to

the company's boilers.

TUESDAY NIGHT WRAPUP

[Paint Spill May Spur Change in Chilean Chemical Rules](#)

By Tom Azzopardi

Chile may need to tighten its regulations governing the transportation of harmful chemicals after a truck carrying 10,000 liters (2,641 gallons) of toxic paint spilled its load into a river, a government official told Bloomberg Environmental Apr 3.



Redefining EPA

Overhauling an agency and its mission

<https://insideepa.com/agency-at-a-crossroads>

Inside EPA's **Weekly Report**, 04/06/2018

<https://insideepa.com/newsletters/inside-epa>

TSCA Tracker

<http://insideepa.com/specials/tsca-tracker>

Latest News

[Pruitt Faces Intensified Ethics Scrutiny Amid Renewed Deregulatory Push](#)

Scrutiny of Scott Pruitt's suite of alleged ethics transgressions appears likely to intensify in the coming weeks, in part because the EPA administrator is doubling down on his already controversial efforts to roll back agency regulations that he views as too burdensome on industry.

Daily Feed

[EPA poised to terminate Obama-era 'NextGen' enforcement policy](#)

A source says EPA's enforcement office plans to declare the end of the Obama-era "Next Generation" compliance framework, potentially within days.

[Quote-Unquote: Revising rules in a time \(Pruitt says\) of 'hope and optimism'](#)

Also: Ford will stay the course on GHG cuts, EPA launches new "early notice" process for civil referrals.

[Whitehouse questions Pruitt's Morocco trip](#)

The senator charges that the four-day, \$17,000, trip to promote natural gas exports runs counter to the agency's mission and was a way for Pruitt to reward political staffers who accompanied him.

[Environmentalists seek ruling in suit over EPA nonpoint funds](#)

The suit over Washington's program tests environmentalists' ability to enforce statutory requirements that agencies "shall withhold" grants when states lack a federally approved program.

[Ewire: Pruitt blames deregulatory agenda for scrutiny](#)

In today's Ewire: "Do I think that because we are leading on this agenda that there are some who want to keep that from happening? Absolutely," the EPA chief told a conservative news outlet.



EPA

[Pruitt spread special hires throughout agency](#)

[Kevin Bogardus](#) and [Ariel Wittenberg](#), E&E News reporters Published: Wednesday, April 4, 2018



U.S. EPA Administrator Scott Pruitt, shown here during a press conference yesterday, used "administratively determined" hiring authority under the Safe Drinking Water Act. Andrew Hamik/Associated Press

U.S. EPA Administrator Scott Pruitt used a unique hiring authority to bring on several political staffers, including top deputies in programs across the agency. Documents obtained by E&E News under the Freedom of Information Act detail "administratively determined" hires under the Safe Drinking Water Act, showing that at one point last year, at least 20 officials were brought on under the hiring provision. Several deputy assistant administrators — top political officials for EPA programs — like Nancy Beck, Patrick Davis, Dennis Lee Forsgren and Richard Yamada were listed once as administratively determined hires. Other close advisers to Pruitt were also in that category, including several associates and former aides of his when Pruitt was Oklahoma attorney general like Lincoln Ferguson, Millan Hupp, Sarah Greenwalt and Kenneth Wagner, according to records. The hiring authority has been used at EPA by prior administrations. It can help an EPA chief fill out his or her staff quickly since administratively determined (AD) hires do not undergo the usual civil service hiring process. The agency can hire up to 30 employees in AD positions under the authority. "The Safe Drinking Water Act provides the EPA with broad authority to appoint scientific, engineering, professional, legal and administrative positions within EPA without regard to the civil service laws," EPA spokesman Jahan Wilcox said. "This is clear authority that has been relied on by previous administrations." Stan Meiburg, who spent 39 years at EPA, including as acting deputy administrator in the Obama administration, said, "It has been done by both parties, so it has been ratified over time. ... These are highly prized positions because you can bring people in without having to go through the usual competition process." Meiburg remembered both the George W. Bush and Obama administrations having AD hires. He recalled some of those hires landing as political aides to EPA regional chiefs during those administrations. Meiburg said it made sense that the Trump administration would use the hiring authority for political aides like press officials and schedulers to assist Pruitt. "Those are pretty specialized skills, and there are folks in the political field who have those skills," said Meiburg, who now teaches at Wake Forest University. "That's not to say you don't need a good solid career staff in public affairs, as well." But Meiburg found it noteworthy that Pruitt had used the hiring authority to bring on deputy assistant administrators. "The use of the AD authority to bring on a political deputy is a little unusual," Meiburg said. "Most of the AD appointments are at a lower level. You usually have a non-career SES be a political deputy." Like lower-level political aides, the deputy assistant administrators don't require Senate confirmation. But assistant administrators, just above the deputies in rank, run EPA program offices and do need Senate approval. The administratively determined hires have grabbed attention recently after *The Atlantic* [reported](#) yesterday that Pruitt used the hiring authority to give substantial pay raises to two officials against White House wishes. EPA has since alerted the White House. EPA's Wilcox said in a statement, "The Administrator was not aware that these personnel actions had not been submitted to the Presidential Personnel Office. So, the Administrator has directed that they be submitted to the Presidential Personnel Office for review." That move sparked scorn from Rep. Dan Kildee (D-Mich.), who represents Flint, still struggling with the aftermath of a drinking water crisis. "EPA Administrator Pruitt's actions are shameful and an insult to the people of my hometown of Flint. Rather than hiring scientists, engineers and experts to work to solve drinking water contamination issues, Scott Pruitt is using public money to instead give huge pay raises to his political friends," Kildee said. Pruitt's aides brought in as ADs also raised eyebrows last year. Since AD hires are not technically political appointees, they don't have to sign President Trump's ethics pledge, leaving them free to talk to prior lobbying clients and employers. Beck and Byron Brown, EPA's deputy chief of staff for policy, both have ethics documents saying they didn't have to sign the pledge ([Greenwire](#), March 20). The ethics controversy attracted scrutiny from Democrats on Capitol Hill. The EPA inspector general soon initiated an audit of the AD hires, which is ongoing. The Government Accountability Office also launched a similar probe but put that on hold in order not to duplicate the IG's efforts. The records, dated [March 2017](#) and [later July](#) that year, also indicate some of Pruitt's top aides converted into more standard political appointees. Forsgren, deputy assistant administrator in the water office, became a political appointee after being brought on first as an AD. He also [signed](#) Trump's ethics pledge. Tate Bennett, head of EPA's public engagement office, was also listed as "administratively hired" at one point. She, too, [signed](#) the ethics pledge. Others have moved elsewhere. Davis, another AD hire, is no longer a deputy assistant administrator but a senior adviser to the Region 8 administrator in Denver. EPA press officials did not provide E&E News with the current number of AD hires at the agency.

At issue: 1977 amendments

After passing the Safe Drinking Water Act in 1974, lawmakers soon realized that local utilities needed more training and expertise in order to enforce the drinking water standards the law had required EPA to promulgate. The 1977 amendments were the first of what would be numerous changes to the law, but are generally considered relatively minor because they did not mandate any major changes to drinking water contaminant regulations. Instead, the changes focused on ensuring EPA and local water utilities had the resources they needed to write and uphold new standards. "In this age of sophisticated technology, manned flights to the moon and instrument landings on Mars, it is astounding that our drinking water is plagued by contamination," Rep. Paul Rogers (D-Fla.) explained on the House floor in July 1977. The amendments, he said, "are designed to help remedy the ills faced by our drinking water systems." The law empowered EPA to provide technical assistance to states and localities, and gave the agency funding to train personnel. The law also allowed EPA to hire "not more than 30 scientific, engineering, professional, legal and administrative positions within the EPA without regard to the civil service laws." The personnel would help not just with administering the Safe Drinking Water Act but also with "other provisions of law."

That language resulted from a compromise between the House and Senate, which initially sought to add 150 such positions. Sen. Jennings Randolph (D-W.Va.) said on the floor in November 1977 that 150 appointees would "augment the agency's cadre of senior management and scientific personnel," which he said were "substantially smaller in proportion to Agency size than that of other federal agencies which carry out similar regulatory functions."

But after consulting with the House, the Office of Management and Budget, and the Civil Service Commission, Congress decided to allow just 30 appointees without regard to civil service regulations, but agreed to add 80 personnel to EPA under normal regulations.

That compromise, Rogers said, was the result of "extensive discussions and negotiations ... to determine the most critical needs for additional personnel and the most effective way of providing appointment authorities to meet those needs."

Pruitt is not the first EPA administrator to take advantage of the provision. Ken Kopocis, who led EPA's Office of Water during the first half of the Obama administration, said the provision was well known within EPA and has been used through the years.

"We used it to hire people who were well-experienced experts in their fields so that it could help augment, at the more senior levels of management, our ability to carry out our job," Kopocis said.

Those hired using the provision, Kopocis said, were experts in a variety of subjects, not just drinking water. He could not remember how many personnel were appointed under the position, and would not name those who had been hired as a result of it.

But, he said, the Obama administration's use of the provision differed from the Trump administration's.

"Our people worked in their field for a long time. Nobody would question their substance expertise on these issues," he said. "These were true professionals that fit more in the mold of what the provision of the Safe Drinking Water Act was designed to do, which is bring in people on an as-needed basis to help implement the Safe Drinking Water Act and other laws as well as you could."

Kopocis also said, to his knowledge, the Obama EPA never "recategorized someone" under the Safe Drinking Water Act provision "simply so we could give them a raise."

"If anyone got moved," he said, "it was to move into a new position where they had new responsibilities."

POLITICS

Pruitt taps conservative news outlets to assail his critics

[Kevin Bogardus](#), E&E News reporter



Published: Wednesday, April 4, 2018

U.S. EPA Administrator Scott Pruitt is defending his use of a lobbyist's Capitol Hill condo. [Kevin Bogardus/E&E News](#)

U.S. EPA Administrator Scott Pruitt pushed back on ethics allegations swirling around his rent of a lobbyist-linked condo last year.

In interviews with conservative-leaning news outlets, the EPA chief said he was being targeted for his success in implementing President Trump's agenda of rolling back environmental regulations after the first news reports of his use of a Capitol Hill apartment co-owned by the wife of a lobbyist whose firm's clients have business before EPA ([Greenwire](#), April 2).

Pruitt said his critics dislike his policies and are desperate to stop him any way possible.

"There are people that have long in this town done business a different way and this agency has been the poster child of it. And so do I think that because we are leading on this agenda that there are some who want to keep that from happening? Absolutely. And do I think that they will resort to anything to achieve that? Yes," Pruitt [told](#) the *Washington Examiner*.

Pruitt also [spoke](#) with *The Daily Signal*, the Heritage Foundation's news platform.

"I think the information has been, as things go, I think very intermittent and very sporadic and not terribly complete with respect to what the truth is," Pruitt said on the media's coverage of his time in the condo.

The EPA chief rented the condo for \$50 per night only for the nights he slept there. Agency ethics officials have said his lease was in line with federal ethics rules, but several have questioned whether Pruitt received a gift, given the low cost of his rent to stay just blocks away from the U.S. Capitol.

Pruitt pointed to a [memo](#) released by EPA last Friday evening as proof he paid "market value" to bunk there. The document is dated March 30, more than a year after the administrator first stayed at the condo.

"We had a memo and a statement from career ethics officials here that have actually reviewed the lease, that actually reviewed comps — comparables of similar units," Pruitt told the *Signal*.

Vicki Hart co-owns the condo with unidentified partners. Her husband, Steven Hart, is chairman and CEO of Williams & Jensen PLLC, one of the top-earning lobby firms on K Street. They have known Pruitt casually for years and have contributed to his past political campaigns.

"When you think of the townhouse, the rent last year, the owner of that is an Oklahoman. I've known him for years. He's the outside counsel for the National Rifle Association, has no clients that are before this agency, nor does his wife have any clients that have appeared before this agency," Pruitt told the *Examiner*.

Lobbying disclosure reports show that Williams & Jensen reported lobbying EPA in 2017 on behalf of at least two of its clients, OGE Energy Corp. and Owens-Illinois Inc. In addition, Pruitt's schedule records show he was slated to attend two meetings — one with OGE executives and its Williams & Jensen lobbyist and another with Oklahoma Gas & Electric Co., the company's subsidiary.

Hart was listed as having lobbied EPA on behalf of Owens-Illinois, but he told E&E News that was a mistake that will be corrected on the forms ([Greenwire](#), March 30).

Pruitt told the *Examiner* he was "dumbfounded" by the controversy over his living quarters and said he "was literally living out of a suitcase" for months last year while he looked for a new place to stay.

A few Republicans on Capitol Hill have called on Pruitt to leave EPA due to the condo scandal ([E&E News PM](#), April 3)

In addition, House Energy and Commerce Chairman Greg Walden (R-Ore.) is also seeking more information from the agency on Pruitt's ethics flaps, according to a spokesman ([see related story](#)).

EPA

Greens' silence, industry ties seen aiding waste-office pick

[Corbin Hiar](#), E&E News reporter



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President Trump's pick to lead U.S. EPA's solid waste office has worked for Dow Chemical Co., which is now part of DowDuPont, for two decades. Dow Chemical's headquarters in Midland, Mich., is pictured here. Dow

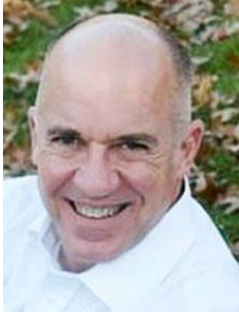
When President Trump picked a scientist with deep ties to industry for a top public health post at U.S. EPA, fast and furious backlash from environmentalists helped sink Michael Dourson's bid for chemical safety chief.

But in the month since Trump selected a DowDuPont Inc. lawyer for another key public health post at EPA, the same environmental groups that led the fight against Dourson have been curiously quiet on Peter Wright's nomination to run the solid waste program.

Veterans of Capitol Hill and EPA say environmentalists' virtual silence on Wright — and the extensive political contributions DowDuPont has made to key senators — could make it easier for him to win confirmation as assistant administrator for the Office of Land and Emergency Management.

"He'll probably go through," predicted Rena Steinzor, a University of Maryland Carey School of Law professor, former congressional staffer and activist on regulatory issues.

With the president's party also in control of the Senate, it will be difficult for Democrats and their environmentalist allies to block Wright — or any other nominee, according to Mathy Stanislaus, who led the solid waste program during the Obama administration.



Peter Wright. Wright/LinkedIn

"Clearly, if there is a unified position, you can slow things down or, in rare cases, stop a nomination," said Stanislaus, who is now a senior adviser to the World Economic Forum and a fellow at the World Resources Institute. "But out of all the nominations, you only have a few bullets."

Environmentalists have already used a lot of ammunition against other potentially conflicted nominees, especially Dourson.

The same evening the White House announced its doomed pick to lead the Office of Chemical Safety and Pollution Prevention, the Natural Resources Defense Council released a blog [post](#) highlighting Dourson's work for chemical and tobacco companies.

"God help us," NRDC concluded last July 17.

The Environmental Defense Fund and Environmental Working Group came out against the former University of Cincinnati professor the following day. Between then and Sept. 13, 2017, EDF and EWG together put out more than a dozen blog posts, reports and press releases attacking Dourson's record.

That was when in a [USA Today](#) story that Sen. Tom Carper of Delaware, the top Democrat on the Environment and Public Works Committee, appears to have first publicly expressed concerns about the nominee. He spoke to the newspaper the day before a planned meeting with Dourson, after his confirmation hearing was set, and went on to lead the congressional opposition to him.

But of the three green groups that opposed Dourson the earliest and loudest, only NRDC's website currently includes any specific mentions of Wright. And even then, the DowDuPont executive's nomination is only noted as [part](#) of a long "case for firing" EPA Administrator Scott Pruitt.

That's despite the fact that Wright has worked to downplay the risk of certain chemicals and has many potential conflicts of interest — two common complaints that environmentalists had about Dourson.

As recently as 2005, Wright [argued](#) that "there is meager evidence that exposure to dioxin at trace levels encountered in the environment has caused any observable harm."

EPA disagrees about the risks posed by such combustion or production byproducts. The agency's website [says](#) "dioxins are highly toxic and can cause cancer, reproductive and developmental problems, damage to the immune system, and can interfere with hormones."

If confirmed to lead EPA's solid waste office, he would also oversee nearly 200 toxic waste sites DowDuPont is responsible for cleaning up, including a heavily contaminated New Jersey Superfund site flagged by Pruitt for a quick cleanup ([Greenwire](#), March 7).

Former Capitol Hill staffers and EPA officials see two main reasons for green groups' differing responses to the similar nominees.

"There is a kind of outrage fatigue that has been setting in," Steinzor said. "Pruitt is so terrible that it's hard to imagine that it could get any worse."

Environmental groups are currently reacting to news that the EPA administrator lived in a lobbyist-owned Capitol Hill condo and gearing up to fight a floor vote planned for as soon as next week on Andrew Wheeler, the fossil fuel industry lobbyist picked to be his deputy.

"The other thing is that Superfund has become an orphaned program, and that is a shame," added Steinzor, who worked for former Rep. James Florio, the New Jersey Democrat responsible for creating the toxic waste cleanup effort. "In general, there is not a significant cadre of national environmentalists who have the time to pay attention to it."

The Sierra Club, which began publicly opposing Dourson shortly before his confirmation hearing was set, appears to be the only major environmental organization to have already come out strongly against Wright. The group specifically cited his work on Superfund sites.

"Like so many of Trump's nominees and appointees, Wright is not fit to serve in any capacity other than as a hired hand for polluting industries," Liz Perera, Sierra Club's public health policy director, said in a March 5 press release. "The Senate should oppose this toxic nomination so that the health of the American people is not sacrificed to the Trump Administration's shameless pandering to the most dangerous industries in the country."

Stanislaus said Democrats and environmentalists will try to use Wright's appearance before the Senate Environment and Public Works Committee to get "specific commitments" from him instead of trying to marshal votes against the nominee. For example, Obama's solid waste chief expects senators to ask Wright to weigh in on EPA's move to delay a chemical plant safety rule from taking effect ([Greenwire](#), Aug. 31, 2017).

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) and Carper haven't yet settled on a date for Wright's vetting.

The environmental groups didn't respond to questions about why they have been so quiet on Wright. But NRDC and EDF told E&E News they were both still reviewing his nomination.

EWG, on the other hand, indicated that it plans to oppose him.

"If Peter Wright is confirmed, he'll join Administrator Pruitt and the other polluter apologists now in charge at EPA," Alex Formuzis, EWG's senior vice president for communications, said in a statement. "In Wright's nomination, President Trump once again shows he is incapable of choosing candidates who have demonstrated even a drop of commitment to public health and environmental protection in their careers."

DowDuPont's contributions

Wright's opponents will have to counter years of goodwill that DowDuPont and its predecessor companies have worked to build up with senators.

The chemical-producing giant, formed last year by the merger of Dow Chemical Co. and DuPont Co., has already contributed over \$156,000 to 60 senators in the 2018 election cycle.

The top recipients are Sen. Debbie Stabenow (D-Mich.), who has gotten nearly \$48,000 from the company's political action committees, its employees or their immediate family members, and Carper, who has raked in almost \$10,000. Their states are home to the dual headquarters of DowDuPont.

Barrasso, who will lead Wright's confirmation hearing, has received at least \$7,000 from PACs or people associated with DowDuPont. That's more than any other Senate Republican, according to campaign finance disclosures analyzed by the Center for Responsive Politics, a watchdog group.

In the decade before the November 2016 elections, affiliates of Dow and DuPont gave a combined total of more than \$6.8 million to congressional candidates, the center found.

That record of DowDuPont support is unlikely to secure any senator's vote on Wright, "but it can't hurt," said Sarah Byner, the watchdog's research director.

"Members of Congress get money from hundreds and hundreds of different private industries, PACs and wealthy donors," she said. "If they were to be 100 percent responsive to all of those donations, we'd never have anything pass because they'd all be countering each other. So I think that it is one factor among many."

At the same time, Wright's decades of work for the chemical industry are still cause for concern to Byner. Wright also spent seven years as an environmental attorney at pesticide maker Monsanto Co.

"The nomination process is a place where money could be corrupting," she said. "But the much bigger issue to me is the fact that DowDuPont is involved in a lot of Superfund activities and he works for them and would be regulating them."

A Carper spokeswoman said the senator has already helped prevent the confirmation of several "extreme and industry-backed" Trump picks and claimed that the Delaware Democrat's connections to DowDuPont won't affect his evaluation of Wright.

"The idea that anything other than a nominee's qualifications would influence his stance is completely absurd," the spokeswoman said in an email. "Senator Carper has also been clear that every nominee is entitled to a full and fair hearing, and he looks forward to meeting with and learning more about Mr. Wright once Chairman Barrasso schedules a hearing on his nomination."

Barrasso's office confirmed the nominee's confirmation hearing date is still up in the air but didn't respond to questions about the potential influence of DowDuPont on the chairman's support for Wright. Stabenow's office and EPA also didn't respond to requests for comment on the solid waste nominee.

When Wright's pick was announced, Pruitt said "he has the expertise and experience necessary to implement our ambitious goals for cleaning up the nation's contaminated lands quickly and thoroughly" (*E&E News PM*, March 2).

EPA

Pruitt faces fresh questions from Senate, House

[Hannah Northey](#), E&E News reporter



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During a December 2017 trip to Morocco, U.S. EPA Administrator Scott Pruitt (right) and Moroccan Minister of Energy, Mines and Sustainable Development Aziz Rabbah discussed collaboration under the free trade agreement and the country's interest in importing liquefied natural gas. U.S. EPA

This story was updated.

U.S. EPA Administrator Scott Pruitt is facing new questions about his travel and spending on both sides of Capitol Hill.

While the House Energy and Commerce Committee is broadly seeking information about a series of recent ethics controversies, a Senate Democrat is zeroing in on the administrator's recent trip to Morocco to push exports of domestic gas.

Dan Schneider, an Energy and Commerce spokesman, said the committee has been in touch with EPA regarding recent ethics flaps but did not say specifically what information the panel is seeking or whether the EPA chief still has the backing of E&C Chairman Greg Walden (R-Ore.).

Pruitt is scheduled to appear before the committee at an oversight hearing already set for April 26.

In the upper chamber, Democratic Sen. Sheldon Whitehouse of Rhode Island is pushing for answers surrounding Pruitt's trip to Morocco in December.

The senator in a [letter](#) to the administrator yesterday said daily calendars made available to the Senate Environment and Public Works Committee, of which he's a member, show Pruitt had only one official briefing from non-career political staff before a four-day trip to Morocco in December.

Noting that the political aides appeared to have no expertise in energy and environmental issues facing Morocco, Whitehouse questioned whether the trip was a political move tied to Pruitt's gas-rich home state of Oklahoma. Permitting liquefied natural gas facilities and exports is a task that falls to the Energy Department and Federal Energy Regulatory Commission — not EPA.

"If these were the individuals who advised you about your trip before you departed, it would suggest the purpose had little to do with EPA's mission and more to do with interests from your time in Oklahoma," the senator wrote. "Indeed, one of those interests may be the importance of natural gas exports to producers in Oklahoma."

EPA didn't immediately respond when asked about the senator's letter.

According to Whitehouse, Pruitt's sole briefing occurred on Nov. 15 and included a handful of aides who worked on former political campaigns or held positions when Pruitt served as attorney general of Oklahoma.

The meeting did not, however, appear to include members of EPA's Office of International and Tribal Affairs, which usually handles relationships with foreign countries, Whitehouse said.

The senator noted that Pruitt, according to his calendar, met with a host of companies and lobbying firms eager to advance LNG exports leading up to the trip but has yet to fully disclose wholly his political and financial ties to the oil and gas sector.

In the letter, Whitehouse pushed for details surrounding gaps in Pruitt's calendar during the four-day trip. Pruitt left the United States on the evening of Dec. 9 and spent some time in Paris the following day with no official business planned, according to the letter. And Pruitt's calendar for Dec. 11 shows a single one-hour meeting prior to his return trip to the United States.

The Washington Post [reported](#) last year that travel vouchers show Pruitt's trip included a 10-person staff and security entourage and a \$500 overnight stay in Paris on the way to Morocco. An EPA official told the newspaper the trip was affected by weather delays, which prompted the group to stay in Paris on Dec. 10 before arriving in Rabat the next day.

Whitehouse is asking EPA to provide details about any discussion involving LNG exports leading up to the meeting and whether Pruitt met with anyone aside from Mustapha Bakkoury, chairman of the board of the Moroccan Agency for Sustainable Energy, during his trip.

The senator is also probing whether Pruitt discussed the trip with anyone from the lobbying firm Williams & Jensen. Steven Hart, the firm's chairman and CEO, is facing questions about a condominium in Washington, D.C., that his wife owns and Pruitt rented, possibly for below market value ([Greenwire](#), March 30).

The trip, which reportedly cost a total of \$40,000, is already under investigation by EPA's internal watchdog upon Delaware Democratic Sen. Tom Carper's request ([E&E News PM](#), Jan. 10).

Pruitt's trips came under review after it was found that he was traveling frequently back to his home state of Oklahoma. Pruitt has been the subject of speculation that he will run again for a statewide office in the future.

EPA has defended Pruitt's trip to Morocco as centering around environmental talks and said at the time the administrator met with Moroccan Minister of Energy, Mines and Sustainable Development Aziz Rabbah to "discuss new and ongoing areas of collaboration under the Free Trade Agreement and the country's interest in importing LNG."

Whitehouse noted that Moroccan press said Pruitt's trip was spurred by new infrastructure to support LNG imports. Rabbah [told](#) Bloomberg in January that the North African country, which depends on imports for almost all of its energy needs, was planning a \$4.6 billion project to process gas for electricity.

While Pruitt's trip remains a head-scratcher in the industry, companies eager to export domestic gas are eyeing Morocco as a potential customer.

That includes Cheniere Energy Inc., which is building a pipeline in the Sooner State to ship gas to the Gulf Coast and owns one of the only operating export terminals in the United States, Sabine Pass on the border of Texas and Louisiana.

Press reports have noted that Cheniere once employed Williams & Jensen as a lobbyist, but a spokesman for the company said that contract has ended.

"We never used them to have any discussions with the EPA," said Eben Burnham-Snider, a spokesman for Cheniere. "Our contract ended in December 2017."

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) is "very supportive" of Pruitt's efforts to roll back regulations, said a spokesman.

Reporters Kevin Bogardus and George Cahlink contributed.

PUBLIC HEALTH

Flame retardant disappearing from NYC kids' blood — study

Published: Wednesday, April 4, 2018

Levels of a toxic flame retardant in the blood of children from New York City are dropping each year, according to a new study.

Polybrominated diphenyl ethers (PBDEs) were long used in a range of consumer products to help slow the spread of flames. But the chemical industry began a voluntary phaseout in 2004 after research showed PBDEs can build up in the environment and people's bloodstreams, causing health problems.

The new study — published in the *Journal of Exposure Science and Environmental Epidemiology* — is the first to show that the phaseout may be having an effect. It followed 334 mothers and their children in New York City between 1998 and 2013.

"These findings reinforce the decision to phase-out PBDEs from consumer products," co-author Julie Herbstman, an associate professor and researcher at the Columbia University Mailman School of Public Health, said in a statement.

The phaseout began as a voluntary measure, but some states have since banned PBDEs, and U.S. EPA and the industry eventually agreed to mostly eliminate them by 2014.

Still, the study's authors cautioned that the results aren't all good.

The chemicals "continue to be detected in the blood of young children nearly 10 years following their removal from U.S. commerce," lead author Whitney Cowell, a pediatric environmental health research fellow at Mount Sinai Hospital, said in a statement (Brian Bienkowski, [Environmental Health News](#), April 4). — **NS**

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